

REMARKS

Claims 52-93 remain in this application. Claims 1-51 have been canceled. Claims 52-93 have been added.

Claims 1-51 are rejected under 35 U.S.C. § 102(e) as being anticipated by both Lumelsky (U.S. Patent No. 6,460,082) and Weber (U.S. Patent No. 6,480,901). In order to expedite allowance, the rejected claims are being canceled herein, without disclaimer and without prejudice. Accordingly, it is respectfully submitted that these rejections are now moot.

Claims 52-93 have been added to clarify certain features of the subject matter being claimed. The limitations in these new claims are not disclosed or suggested in either Lumelsky or Weber (whether alone or in combination). Lumelsky is directed only to management of media resources (services) provided over the Internet, such as Internet TV. Lumelsky does not disclose or suggest a device manager used to manage and broker device service (driver service) located on a server to a device located on a client. By contrast, the present invention is directed to such a device manager for providing peripheral device driver services.

In Weber, the managed device is limited to a device located on a proxy server. Weber's managed device is further limited to a storage device (e.g., a disk drive). The proxy server in Weber provides (manages or services) the utility of (i.e., the data stored on) its storage device to a client. Thus, unlike the present invention, the device that is being managed in Weber is not located on the client (desktop unit), but on the proxy server.

Accordingly, the two references (whether alone or in combination) do not disclose or suggest a computer system that, for example: (1) uses a device manager to manage and broker device services (driver services) located on a server to a peripheral device located on a client (desktop unit) or (2) provides a high availability device management environment (i.e., a failover or switching from a first device manager to a

Serial No. 09/612,141  
December 29, 2003  
Page 11

second device manager when a failure event occurs) as taught by the present invention and recited in the present claims.

The support for the new claims can be found at least in the disclosure in Claims 1-24, 28, 31-33, 35-38, 39, 51, 20-44, 46-51 and Figs. 1 and 5-8 (especially, for example, the support for the new independent claims can be found at least in Claims 1, 22, 35, 36, 38, 39 and 51 and Figs. 1 and 5-8).

In view of the foregoing, the Applicants respectfully submit that Claims 52-93 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited. To the extent it would be helpful to placing this application in condition for allowance, the Applicants encourage the Examiner to contact the undersigned counsel and conduct a telephonic interview.

While the Applicants believe that no fees are due in connection with the filing of this paper, the Commissioner is authorized to charge any shortage in the fees, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,



---

Brian M. Berliner  
Attorney for Applicants  
Registration No. 34,549

Date: December 29, 2003

**O'MELVENY & MYERS LLP**  
400 South Hope Street  
Los Angeles, CA 90071-2899  
Telephone: (213) 430-6000